

1 GREGORY W. SMITH (SBN 134385)
2 **LAW OFFICES OF GREGORY W. SMITH**
3 9100 Wilshire Boulevard, Suite 345E
4 Beverly Hills, California 90212
5 Telephone: (310) 777-7894
6 (213) 385-3400
7 Telecopier: (310) 777-7895

8 CHRISTOPHER BRIZZOLARA (SBN 130304)
9 1528 16th Street
10 Santa Monica, California 90404
11 Telephone: (310) 394-6447
12 Telecopier: (310) 656-7701

13 Attorneys for Plaintiff
14 WILLIAM TAYLOR

15 **UNLIMITED JURISDICTION**
16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
17 **FOR THE COUNTY OF LOS ANGELES**

18 WILLIAM TAYLOR,

19 Plaintiff,

20 vs.

21 CITY OF BURBANK and DOES 1 through
22 100, inclusive,

23 Defendants.

CASE NO. BC 422 252

[Assigned to the Hon. John L. Segal,
Judge, Dept. "50"]

**PLAINTIFF'S MOTION FOR EXPERT
WITNESS COSTS; MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT; DECLARATION OF
GREGORY W. SMITH IN SUPPORT
THEREOF**

Date: July 9, 2012

Time: 8:30 a.m.

Dept.: "50"

Action Filed: September 22, 2009
Trial: March 5, 2012

24
25 TO THE ABOVE ENTITLED COURT, ALL PARTIES, AND TO THEIR
26 RESPECTIVE ATTORNEYS OF RECORD HEREIN:

27 **PLEASE TAKE NOTICE** that on **July 9, 2012 at 8:30 a.m.** in the Los Angeles
28

CITY ATTORNEY
2012 JUN 14 PM 5:04

6-11

1 County Superior Court, 111 N. Hill Street, Department "50," Los Angeles, California
2 90012, Plaintiff William Taylor (hereafter "Plaintiff" or "Taylor") will and does move for an
3 order awarding Plaintiff expert witness costs in the amount of 29,615.00.

4 The grounds for the motion are made pursuant to California *Government Code*
5 Section 12965(b) which provides that the prevailing party may be entitled to expert
6 witness costs.
7

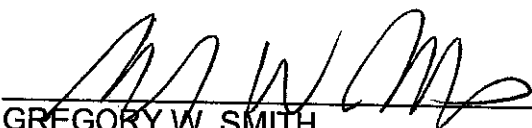
8 Plaintiff's motion for expert witness costs will be based on this Notice of Motion, the
9 accompanying Memorandum of Points and Authorities, the declaration of Gregory W.
10 Smith, all of the pleadings and records on file with the court herein, all of the testimony
11 and exhibits used during trial, as well as such oral and documentary evidence as may be
12 presented at the time of the hearing for this motion.
13

14
15 Respectfully submitted

16 Dated: June 11, 2012

LAW OFFICES OF GREGORY W. SMITH

17
18 By:


19 GREGORY W. SMITH
20 Attorneys for Plaintiff
21 WILLIAM TAYLOR
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MEMORANDUM OF POINTS & AUTHORITIES

I. PLAINTIFF IS ENTITLED TO COSTS AS THE PREVAILING PARTY.

The Fair Employment and Housing Act (FEHA) permits an award of expert witness fees to the prevailing party. *California Government Code* section 12965(b). According to Defendant City of Burbank, these costs may only be awarded by noticed motion. Plaintiff has filed this motion for his costs.

Plaintiff sued the City Burbank for FEHA and *Labor Code* section 1102.5 retaliation. Although *Labor Code* section 1102.5 does not permit an award of expert witness costs, the FEHA issues litigated in this case constituted 99% of work done on the entire case.

Further, all of the work done by the experts; (1) economic damages by Smith, (2) medical by Majcher and Leoni, and (3) police practices by Paul Kim, were necessary for proving liability and damages for Taylor's FEHA cause of action. Even if Plaintiff did not have an action for violation of *Labor Code* section 1102.5, he would have used the same experts and elicited the same testimony. As such, Plaintiff is entitled to the full amount of the costs for hiring experts for Taylor's trial.

II. PLAINTIFF'S COSTS FOR EXPERT FEES ARE IN THE AMOUNT OF

\$29,615.00.

As set forth in the Declaration of Gregory W. Smith, Plaintiff has suffered costs in the amount of \$ \$29,615.00.

Plaintiff claims the following costs:

Karen Smith/economist:	\$14,470.00
Dr. Paul Kim/police practices expert:	\$11,600.00
Dr. Sean Leoni:	\$3,000.00
Dr. Stanley Majcher	\$545.00

Total Expert Witness Fees: \$29,615.00

All of the experts with the exception of Dr. Majcher testified at trial and were deposed by the Defendants. Dr. Majcher's fees are counted as a cost because Defendant failed to pay his full fee at the time of his deposition. This amount was paid by Plaintiff.

III. CONCLUSION

For all of the foregoing reasons, Plaintiff requests that the Court grant this motion for costs in its entirety and award Plaintiff costs in the amount of \$29,615.00.

Respectfully submitted,

Dated: June 11, 2012

LAW OFFICES OF GREGORY W. SMITH

By:

GREGORY W. SMITH
Attorneys for Plaintiff
WILLIAM TAYLOR

"DECLARATION"

DECLARATION OF GREGORY W. SMITH

I, Gregory W. Smith, declare as follows:

1. I am an attorney at law duly licensed to practice before all the Courts of the State of California. I am attorney of record for Plaintiff William Taylor in this action.

2. I have personal knowledge of the following and if called to testify, I could and would competently testify concerning those matters set forth herein.

3. Plaintiff claims the following costs from experts designated for trial:

Karen Smith/economist:	\$14,470.00
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Dr. Paul Kim/police practices expert:	\$11,600.00
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Dr. Sean Leoni:	\$3,000.00
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Dr. Stanley Majcher	\$545.00
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Total Expert Witness Fees:	\$29,615.00
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4. All of the experts with the exception of Dr. Majcher testified at trial and were deposed by the Defendants. Dr. Majcher's fees are counted as a cost because Defendant failed to pay his full fee at the time of his deposition.

5. Attached hereto and designated as Exhibit "1" are true and correct copies of two separate bills submitted to my office for payment by Karen Smith for her work in *Taylor v. City of Burbank*. Invoice 8878 dated January 31, 2012 in the amount of \$7,320.00. Invoice 8896 dated March 14, 2012 in the amount of \$7,150.00. Total amount is \$14,470.00.

6. Attached hereto and designated as Exhibit "2" are true and correct copies of two bills submitted to my office for payment by Paul Kim for his work in *Taylor v. Burbank*. Bill dated February 8, 2012 in the amount of \$8,960.00 and Bill dated March 10, 2012 in the amount of \$2,640.00. Total amount is \$11,600.00.

7. Attached hereto and designated as Exhibit "3" is a true and correct copy of

1 the bill submitted by Dr. Majcher for deposition fees in the amount of \$545.00.

2 8. Dr. Leoni has not yet provided my office with a bill, but we have been told
3 that my office owes him \$3,000.00 for his expert testimony concerning Taylor's emotional
4 and physical condition during the trial.

5 9. Attached hereto as Exhibit "4" is a true and correct copy of the Expert
6 Witness designation prepared by Plaintiff and served on Defendant for this trial. The total
7 amount of costs claimed by Plaintiff for testimony of his experts during this case are in the
8 amount of \$29,615.00.
9

10
11 I declare under penalty of perjury under the laws of the State of California that the
12 foregoing is true and correct.

13 Executed this 11th day of June 2012 at Beverly Hills, California.

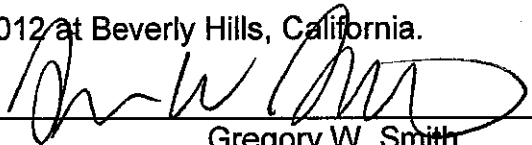
14 
15 _____
16 Gregory W. Smith
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EXHIBIT "1"

ADAMSMITH ECONOMICS

2777 LOMBARDY ROAD

SAN MARINO, CALIFORNIA 91108-1518

INVOICE NO. 8878

626.796.4040

Taxpayer's Identification No. 95-4379975

Account No.18-65

January 31, 2012

To: Gregory W. Smith
Attorney at Law
Law Offices of Gregory W. Smith
9100 Wilshire Boulevard
Suite 345E
Beverly Hills, California 90212

Re: William Taylor v. City of Burbank
Our File No. 8308

rate amount

Please see attached time sheet 24.4 hour \$300 \$7,320

Total Amount Due \$7,320

Please indicate payment for "Invoice No. 8878"
and remit to: AdamsSmith Economics
2777 Lombardy Road
San Marino CA 91108-1518
Our tax ID is 95-4379975 Thank you

Time Sheet for Invoice 8878

Date	Description	Hours
1/29/12	Begin reviewing documents, research City of Burbank salaries and benefits.	2.2
1/29/12	Begin reviewing 2007 paycheck stubs	0.4
1/30/12	Telephone call with plaintiff.	1.2
1/30/12	Telephone call with attorney, no charge (0.2)	
1/30/12	Continue reviewing documents and summarizing information.	2.8
1/30/12	Summarize CalPERS stubs	0.1
1/30/12	Continue summarizing paycheck stubs, 2007-2009.	2.0
1/31/12	Telephone time with plaintiff (3 calls).	0.6
1/31/12	Continue reviewing documents and summarizing information	4.2
1/31/12	Continue summarizing paycheck stubs, 2009-2010, universal pay and sick leave summary.	2.0
2/1/11	Loss of earnings, benefits and pension calculations.	7.3
2/1/11	Travel to deposition.	1.1
2/1/11	Telephone time with Marla Brown, no charge (0.2)	
2/1/11	Telephone time with William Taylor.	0.1
2/1/11	Email to attorney regarding additional documents needed.	0.4
total hours		24.4

ADAMSMITH ECONOMICS

2777 LOMBARDY ROAD
SAN MARINO, CALIFORNIA 91108-1518

INVOICE NO. 8896

626/964040

Taxpayer Identification No. 95-4379975

Account No. 18-65

March 14, 2012

To: Gregory W. Smith
Attorney at Law
Law Offices of Gregory W. Smith
9100 Wilshire Boulevard
Suite 345E
Beverly Hills, California 90212

Re: William Taylor v. City of Burbank
Our File No. 8308

		rate	amount
Please see attached time sheet	17.6 hrs	\$300	\$5,280
Conference travel time, 3/8/12	1.0 hour	\$300	\$300
Conference time (1.5 hrs-1.0 hr. lunch), 3/8/12	0.5 hour	\$300	\$150
Testimony travel time, 3/13/12	1.2 hours	\$300	\$360
Testimony waiting time, 3/13/12	1.3 hour	\$300	\$390
Testimony conference (1.5 hrs-1.0 hr. lunch), 3/13/12	0.5 hour	\$300	\$150
Testimony time, 3/13/12	1.3 hours	\$400	\$520

Total Amount Due **\$7,150**

Please indicate payment for "Invoice No. 8896"
and remit to: **AdamsSmith Economics**
2777 Lombardy Road
San Marino CA 91108-1518
Our tax ID is 95-4379975 Thank you

Time Sheet for Invoice 8896

Date	Description	Hours
2/22/12	Telephone time with Greg Smith (0.1) no charge	
2/23/12	Review salary resolution and updates for Police Captains, and compensation comparison for Police Chief and Deputy Police Chief; research salary advances, benefits, and other compensation issues.	3.0
2/23/12	Telephone time with plaintiff re: BERMT and PERS final comp.	0.5
2/24/12	Begin updating report.	2.8
2/26/12	Continue updating report.	2.3
2/27/12	Telephone time with Greg Smith, (0.2) no charge.	
2/27/12	Continue updating report.	3.8
2/29/12	Continue updating report; research compensation issues; analyze loss of Universal Leave balances and cash outs, proof report.	2.9
3/1/12	Analyze Universal Leave issues; proof report and finalize report.	1.3
3/7/12	Review my deposition transcript.	<u>1.0</u>
total hours		17.6

EXHIBIT "2"

✓

Dr. Paul Kim, Police Practices Expert
P.O. Box 2187, Helendale, CA 92342-2187
Direct: (213) 700-4535
Email: drpaulmkim@gmail.com

2/8/2012

Attorney Gregory W. Smith
9100 Wilshire Blvd. Ste. 345E
Beverly Hills, CA 90212

Type: Expert Witness Invoice for Taylor v. City of Burbank

2-2-2012 3.4hr \$1,360 conference calls with Attorney Smith & BT
2-4-2012 7.5hr \$3,000 case review
2-5-2012 8.5hr \$3,400 case review
2-5-2012 3.0hr \$1,200 conference call with & email report to Attorney Smith
Total: 22.4hr / \$8,960 less \$5,200 retainer received = \$3,760 outstanding

Invoice Summary	
Profession Service	\$8,960.00
Expenses	-
Tax	
Sub Total	\$8,960.00
Less Prepaid Service(2/3/2012)	\$5,200.00
Amount Now Due	\$3,760.00

*\$3,760 is now due. Please mail the check to the Helendale PO Box. Thank you.

✓
Dr. Paul Kim, Police Practices Expert

P.O. Box 2187, Helendale, CA 92342-2187

Direct: (213) 700-4535

Email: drpaulmkim@gmail.com

3/10/2012

**Attorney Gregory W. Smith
9100 Wilshire Blvd. Ste.345E
Beverly Hills, CA 90212**

Type: Expert Witness Invoice for Taylor v. City of Burbank

3-10-2012 INVOICE as follows:

3-4-2012 2.1 hr \$840 reviewed & corrected PK depo

3-7-2012 1.5hr \$600 case review/trial prep

3-8-2012 1.0hr \$400 case review/trial prep

3-9-2012 2.0hr \$800 trial testimony

This total: 6.6hr/\$2,640

*No charge for travel time or mileage

*Outstanding balance of \$3,760 on the 2-8-2012 invoice + 3-10-2012 invoice
of \$2,640 = \$6,400

***Please mail a check for \$6,400 to my Helendale PO box. Thank you.**

EXHIBIT "3"

STANLEY J. MAJCHER, M.D., F.A.C.P.

(626)919-5888 phone

(626)919-5641 fax

1028 East Walnut Creek Parkway, Suite C
West Covina, California 91790 send all correspondence to this address

1781 West Romneya Drive, Suite C
Anaheim, California 92801

March 26, 2012

Law Offices of Gregory W. Smith
9100 Wilshire Blvd. Suite 345E
Beverly Hills, Ca. 90212

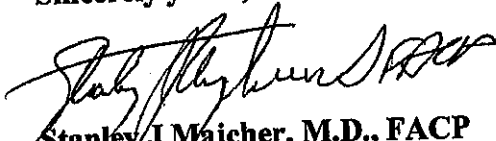
Attention: Marla A. Brown, Esq.

Re: **William Taylor v. City of Burbank**
Los Angeles Co. Superior Court Case No. BC 422 252

Dear Marla A. Brown:

Pursuant to our discussion at the time of the deposition on February 16, 2012, enclosed please find a copy of invoice for \$545 which is the balance due for the deposition.

Sincerely yours,


Stanley J Majcher, M.D., FACP
SJM/tc

DIPLOMATE AMERICAN BOARD OF INTERNAL MEDICINE
INTERNAL MEDICINE TOXICOLOGY OCCUPATIONAL MEDICINE
AME-QME-IME

1500

HEALTH INSURANCE CLAIM FORM

APPROVED BY NATIONAL UNIFORM CLAIM COMMITTEE 08/05

CITY OF BURBANK RISK MGMT DEPT
P O BOX 6459
BURBANK CA 91510

PICA

1. MEDICARE <input type="checkbox"/> MEDICAID <input type="checkbox"/> TRICARE <input type="checkbox"/> CHAMPVA <input type="checkbox"/> GROUP HEALTH PLAN <input checked="" type="checkbox"/> FECA BLK LUNG <input type="checkbox"/> OTHER <input type="checkbox"/>		1a. INSURED'S I.D. NUMBER (For Program in Item 1) 248 80 2553					
2. PATIENT'S NAME (Last Name, First Name, Middle Initial) TAYLOR, WILLIAM,		4. INSURED'S NAME (Last Name, First Name, Middle Initial) CITY OF BURBANK,					
5. PATIENT'S ADDRESS (No., Street) 24134 BROOKINGS COURT		7. INSURED'S ADDRESS (No., Street) 					
CITY VALENCIA		CITY 					
ZIP CODE 91355		STATE CA					
TELEPHONE (Include Area Code) ()		ZIP CODE ()					
TELEPHONE (Include Area Code) ()		TELEPHONE (Include Area Code) ()					
9. OTHER INSURED'S NAME (Last Name, First Name, Middle Initial) CITY OF BURBANK,		11. INSURED'S POLICY GROUP OR FECA NUMBER 009186					
a. OTHER INSURED'S POLICY OR GROUP NUMBER 		a. INSURED'S DATE OF BIRTH MM DD YY M <input type="checkbox"/> F <input type="checkbox"/>					
b. OTHER INSURED'S DATE OF BIRTH MM DD YY M <input type="checkbox"/> F <input type="checkbox"/>		b. EMPLOYER'S NAME OR SCHOOL NAME 					
c. EMPLOYER'S NAME OR SCHOOL NAME 		c. INSURANCE PLAN NAME OR PROGRAM NAME CITY OF BURBANK RISK MGMT DEPT					
d. INSURANCE PLAN NAME OR PROGRAM NAME A MALMQUIST FIELDS CAMASTRA		d. IS THERE ANOTHER HEALTH BENEFIT PLAN? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If yes, return to and complete item 9 a-d.					
12. PATIENT'S OR AUTHORIZED PERSON'S SIGNATURE I authorize the release of any medical or other information necessary to process this claim. I also request payment of government benefits either to myself or to the party who accepts assignment below. SIGNED DATE 03 26 2012		13. INSURED'S OR AUTHORIZED PERSON'S SIGNATURE I authorize payment of medical benefits to the undersigned physician or supplier for services described below. SIGNED 					
14. DATE OF CURRENT: 05 11 2009 ILLNESS (First symptom) OR INJURY (Accident) OR PREGNANCY (LMP)		15. IF PATIENT HAS HAD SAME OR SIMILAR ILLNESS. GIVE FIRST DATE MM DD YY 17a. 17b. NPI					
17. NAME OF REFERRING PROVIDER OR OTHER SOURCE 		16. DATES PATIENT UNABLE TO WORK IN CURRENT OCCUPATION FROM MM DD YY TO MM DD YY 18. HOSPITALIZATION DATES RELATED TO CURRENT SERVICES FROM MM DD YY TO MM DD YY					
19. RESERVED FOR LOCAL USE		20. OUTSIDE LAB? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO \$ CHARGES					
21. DIAGNOSIS OR NATURE OF ILLNESS OR INJURY (Relate Items 1, 2, 3 or 4 to Item 24E by Line) 1. 402 2. 530 81 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 841. 842. 843. 844. 845. 846. 847. 848. 849. 850. 851. 852. 853. 854. 855. 856. 857. 858. 859. 860. 861. 862. 863. 864. 865. 866. 867. 868. 869. 870. 871. 872. 873. 874. 875. 876. 877. 878. 879. 880. 881. 882. 883. 884. 885. 886. 887. 888. 889. 890. 891. 892. 893. 894. 895. 896. 897. 898. 899. 900. 901. 902. 903. 904. 905. 906. 907. 908. 909. 910. 911. 912. 913. 914. 915. 916. 917. 918. 919. 920. 921. 922. 923. 924. 925. 926. 927. 928. 929. 930. 931. 932. 933. 934. 935. 936. 937. 938. 939. 940. 941. 942. 943. 944. 945. 946. 947. 948. 949. 950. 951. 952. 953. 954. 955. 956. 957. 958. 959. 960. 961. 962. 963. 964. 965. 966. 967. 968. 969. 970. 971. 972. 973. 974. 975. 976. 977. 978. 979. 980. 981. 982. 983. 984. 985. 986. 987. 988. 989. 990. 991. 992. 993. 994. 995. 996. 997. 998. 999. 1000.		28. TOTAL CHARGE \$ 545 00		29. AMOUNT PAID \$ 0 00		30. BALANCE DUE \$ 545 00	
31. SIGNATURE OF PHYSICIAN OR SUPPLIER INCLUDING DEGREES OR CREDENTIALS (I certify that the statements on the reverse apply to this bill and are made a part thereof.) STANLEY J MAJCHER MD		32. SERVICE FACILITY LOCATION INFORMATION STANLEY J MAJCHER MD FACP 1028 E WALNUT CREEK PKWY STE C West Covina CA 91790		33. BILLING PROVIDER INFO & PH # Stanley J Majcher MD 1 (626) 919 5888 1028 E Walnut Creek Pkwy Suite C West Covina CA 91790		34. PRIOR AUTHORIZATION NUMBER 1306974522	

EXHIBIT "4"

1 GREGORY W. SMITH (SBN 134385)
2 **LAW OFFICES OF GREGORY W. SMITH**
3 9100 Wilshire Boulevard, Suite 345E
4 Beverly Hills, California 90212
5 Telephone: (310) 777-7894
6 (213) 385-3400
7 Telecopier: (310) 777-7895

8 CHRISTOPHER BRIZZOLARA (SBN 130304)
9 1528 16th Street
10 Santa Monica, California 90404
11 Telephone: (310) 394-6447
12 Telecopier: (310) 656-7701

13 Attorneys for Plaintiff
14 WILLIAM TAYLOR

15 **UNLIMITED JURISDICTION**
16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
17 **FOR THE COUNTY OF LOS ANGELES**

18 WILLIAM TAYLOR,

19 Plaintiff,

20 vs.

21 CITY OF BURBANK and DOES 1 through
22 100, inclusive,

23 Defendants.

24) **CASE NO. BC 422 252**

25) **[Assigned to the Hon. John Shepard**
26 **Wiley, Jr., Judge, Dept. "50"]**

27) **PLAINTIFF'S DESIGNATION OF**
28 **EXPERT WITNESSES**

29 **Action Filed: September 22, 2009**
30 **FSC: November 23, 2011**
31 **Trial: December 6, 2011**

32 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

33 Plaintiff, WILLIAM TAYLOR, pursuant to Code of Civil Procedure section 2034.210,
34 et seq., hereby submits his list of expert witnesses whom he expects will be called to
35 testify at the time of trial in this matter.

36 **A. TREATING AND EXAMINING PHYSICIANS NOT RETAINED BY THIS**

37 **PLAINTIFF:** Plaintiff anticipates calling his treating and examining physicians or other

1 medical care providers. Said individuals are not experts as described in section
2 2034.210(b), but will be asked expert questions in addition to questions concerning their
3 percipient medical observations of the care, treatment, causation of injury, and/or
4 examination they provided or observed regarding Plaintiff, including but not limited to, his
5 or her own compliance with the standard of practice in rendering that care. Relative to the
6 health care providers included under this category, said expert opinions are expected to
7 include, but are not limited to, the following subjects: diagnosis, prognosis, disability,
8 causation, findings on examination, treatment, tests, need for future treatment, medical
9 billings, propriety of medical services, propriety of medical charges, injuries, damages,
10 and any and all related matters.
11

12 1. Sean Leoni, M.D., 16661 Ventura Boulevard, Suite 604, Encino, California
13 telephone no. (818) 788-8213.
14

15 2. Dr. Stanley Majcher, M.D. 1028 East Walnut Creek Parkway, Suite C, West
16 Covina, California 91790, telephone no. 626-919-5888.
17

18 B. EXPERTS RETAINED BY THIS PLAINTIFF: Plaintiff's designation of
19 the following experts is based upon allegations or contentions made known to them by
20 Plaintiff or other Defendants. Should new allegations be made, Plaintiff reserves the right
21 to designate and call at the time of trial of this matter, such further experts as Plaintiff
22 deems advisable or appropriate.
23

24 1. Karen Smith, M.B.A.; Ms. Smith is an economist. Ms. Smith maintains her
25 place of business at 2777 Lombardy Road, San Marino, California 91108, Tel. (626) 796-
26 4040. Please refer to the declaration of Gregory W. Smith and the attached Curriculum
27 Vitae for further particulars concerning this witness.

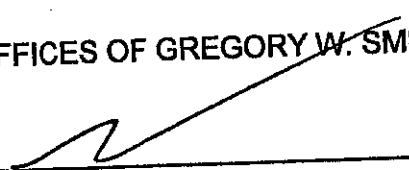
28 2. Dr. Paul M. Kim; Dr. Kim is a retired law enforcement officer. Dr. Kim is a

1 former police officer. Therefore, his address is confidential, but he may be contacted
2 through Plaintiff's counsel. Please refer to the declaration of Gregory W. Smith and the
3 attached Curriculum Vitae for further particulars concerning this witness.
4

5 Dated: October 17, 2011
6

LAW OFFICES OF GREGORY W. SMITH

7 By:


8 GREGORY W. SMITH
9 Attorneys for Plaintiff
10 WILLIAM TAYLOR
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"DECLARATION"

DECLARATION OF GREGORY W. SMITH

1
2 I, Gregory W. Smith, declare as follows:

3 1. I am an attorney of law duly licensed to practice law in the State of California
4 and I am one of the attorneys of record for Plaintiff William Taylor herein.

5 2. This declaration is made of my own knowledge and if called to testify
6 concerning the contents of this declaration, I could and would so testify.

7 3. Ms. Karen Smith, M.B.A. is an economist. Ms. Smith has been retained and
8 has agreed to testify on behalf of the Plaintiff and will be prepared to render expert
9 opinions and provide expert testimony on economic matters placed in issue within the
10 ambit of her expertise.

11 4. Ms. Smith is expected to express expert opinions concerning, but not
12 limited to, the following subjects: precise calculation and determination of Plaintiff's loss
13 of income claims and benefits, and regarding Plaintiff's loss of earning capacity.

14 5. In addition, Ms. Smith will provide expert testimony concerning any and all
15 opinions expressed by any other economist designated by other parties to this lawsuit.
16 Ms. Smith is expected to provide rebuttal testimony to any opinions of the experts of
17 Defendants with which she does not agree. Ms. Smith's rate for deposition is \$400.00 per
18 hour. Her fees for trial are in the amount of \$400.00 per hour.

19 7. Ms. Smith has previously testified as an expert witness. Attached hereto
20 and designated as Exhibit "1" is a true and correct copy of Karen Smith's Curriculum
21 Vitae.

22 8. Mr. Paul Kim is a retired Commander of the Los Angeles Police Department
23 and has extensive knowledge in the area of internal affairs investigations regarding law
24 enforcement. Mr. Kim has been retained and has agreed to testify on behalf of the
25 Plaintiff and will be prepared to render expert opinions and provide expert testimony on
26
27
28

matters concerning the original Porto's IA investigations conducted by the Burbank Police Department, the subsequent investigation conducted by Mr. Gardiner, and the termination of William Taylor.

9. Mr. Kim is expected to express expert opinions concerning, but not limited to, the following subjects: (1) All aspects of the internal affairs investigation conducted in Porto's 1 & 2; (2) the proper procedures and techniques for conducting an internal affairs investigations; (3) the proper way to ensure a fair and reasonable investigation in an internal affairs investigation; (4) investigative techniques used to investigate witnesses and/or subjects of an internal affairs investigation; (5) the proper use of photo lineups in internal affairs investigative procedures such as the one used in Porto's 1; (6) the proper use of witness versus focus interviews in an internal affairs investigation such as the one used in Porto's 1; (7) the purpose of Skelly procedures; (8) any improprieties in the Skelly procedure used by the City of Burbank in the termination of Bill Taylor; (9) improprieties in the investigation conducted by Gardiner during Porto's 2; (10) Department and IA oversight in the Porto's 1 and 2 investigations; (11) the consequences of offering immunity to a witness in an internal affairs investigation; (12) the difference between an unfounded versus a sustained complaint; and (13) whether Gardiner conducted an appropriate IA investigation concerning Plaintiff's termination.

10. Attached hereto and designated as Exhibit "2" is a true and correct copy of Mr. Paul Kim's Curriculum Vitae.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 17th day of October, 2011.

GREGORY W. SMITH

EXHIBIT "1"

ADAMSMITH ECONOMICS

2777 LOMBARDY ROAD
SAN MARINO, CALIFORNIA 91108-1518

MIKE ADAMS, PH.D.
KAREN SMITH, M.B.A.

626.796.4040

Facsimile: 626.356.1777

RESUME OF KAREN SMITH

EDUCATION

Masters of Business Administration
Concentration in Finance and Business Economics
University of Southern California
December 1989

Bachelor of Arts in Management Science and Applied Mathematics
Minor in History
University of California, San Diego
August 1984

CONSULTING EXPERIENCE

Economic consultant to the U.S. Justice Department, State of California, State of Hawaii, City of Los Angeles, County of Los Angeles and the City of Santa Monica. Research and testimony on behalf of defendants and plaintiffs in cases of real estate, business litigation, personal injury, wrongful termination, wrongful death and family law.
1985 to Present.

Qualified as an expert witness in California Superior Court, State of Hawaii and United States Federal Court.

Assistant Vice President and Senior Economist, IBAR Settlement Company, Inc.
Involved with management decisions and the supervision of four economists.
1985 to 1990.

CURRENT EMPLOYMENT

Economist, AdamsSmith Economics

ASSOCIATIONS

American Economic Association
National Association of Business Economists
National Association of Forensic Economics
Beta Gamma Sigma

EXHIBIT "2"

DR. PAUL KIM

SUMMARY

- ❑ Police Practices Expert Witness and Consultant.
- ❑ B.S. with Honors in Public Management, Pepperdine University
- ❑ Masters in Public Administration, Pepperdine University
- ❑ Doctorate in Public Administration, University of La Verne
- ❑ Advanced Management Certificate: the highest certification of police executives based on levels of education and qualified work experience by State of California Police Officer Standardization and Training (POST).
- ❑ Former Commanding Officer, Los Angeles Police Department, Training Group: Operated recruit academies and in-service training schools.
- ❑ Retired at the highest civil service rank (a general staff rank with one star) with a proven track record of advancement and accomplishments with the Los Angeles Police Department and a graduate of FBINA, 172nd Class; Experience as an Internal Board of Rights Hearing Officer and a permanent member of the Department Use of Force Review Board
- ❑ Nine years of experience as a Commanding Officer
- ❑ Nine years of Police Supervisory Experience
- ❑ Former Commissioner, Los Angeles County Criminal Justice Procedures Commission
- ❑ Former President, Board of Transportation Commissioners, City of Los Angeles.
- ❑ Former Chairperson of the Justice for Murdered Children – a group for parents for unsolved murders involving younger victims
- ❑ Initiated the "Stop the Violence" movement, which became a community mobilization tool.
- ❑ Initiated the "Good Deed" Lead: employee recognizing other employees for extra service and small acts of kindness
- ❑ Recipient of Quality of Service Management Achievement Award, LAPD

- ❑ Former Board member, Parker Foundation, LAPD
- ❑ Recipient of the Martin Luther King Parade Committee's Unity Leadership Award
- ❑ Former Chair, Los Angeles Area Chamber of Commerce, International Trade & Investment Committee
- ❑ Member, Community Advisory Board, Hollywood Presbyterian Hospital
- ❑ Former Board Member, Coro Leadership Foundation of Southern California
- ❑ Mayoral Transition Team member, 2003, City of Los Angeles
- ❑ Former Columnist for Radio Korea, the largest Korean language radio station outside Korea, and news columnist for TVK-24, Asian-American cable T.V. network
- ❑ Recipient of the Republic of Korea Presidential Dong Baek Medal for the public service
- ❑ Adjunct Associate Professor, Los Angeles City College
- ❑ Director at Large, 1st Marine Division Association; Honorably Discharged Captain, U.S. Marine Corps

EXPERIENCE

- ❑ (2005 – Present) Police Procedures Consultant/ Expert Witness
- ❑ (2005 - 2008)
President, City of Los Angeles, Board of Transportation Commissioners and Consultant
- ❑ (2003 – 2005)
Commanding Officer, Training Group, Los Angeles Police Department (LAPD)
 - Provided oversight and leadership to department-wide training.
 - Managed three police academics, in-service training and interactive distance learning programs.
 - Responsible for training components contained in the Federal Consent Decree, the most significant police reform package including adjudication of officer-involved shooting cases and automated problem employee early warning program.

- ▶ Managed administrative, technical, and legal mandates of various government regulations for police and civilian employee training.
- ▶ Implemented police training audit systems to ensure consistency.

▶ (2002 – 2003)

Acting Commanding Officer, Operations-West Bureau

- ▶ Served as Acting Commanding Officer of Operations-West Bureau, leading six police divisions; Hollywood, Pacific, LAX (Airport), Wilshire, West Los Angeles, and West Traffic.
- ▶ Provide proactive oversight for six police divisions providing police service for over a million people.
- ▶ Reviewed and approved internal disciplinary investigations including use of force cases.
- ▶ Initiated police service access seminars and citizen police academies to include previously disfranchised communities to harvest and mobilize their talents.
- ▶ Initiated employee recognition program, "Good Deed Memo," to encourage acts of extra effort and sensitivity by employers.
- ▶ Implemented the Department's first Consent Decree Coordinator Program.

□ Captain III (2000 – 2002)

Area Commanding Officer, Harbor Community Police Station

Plan, develop, and implement strategies for effective leadership and continuous improvement in the following areas:

▶ Community Safety

- Area Commanding Officer of a Harbor Area during the 9-11 incident and responsible for initiating a federal and local anti-terrorism task force.
- Reviewed and approved internal disciplinary cases including use of force cases.
- Initiated Fear Reduction Team to focus on community safety perception issues.
- Initiated the first Regional Emergency Response Plan for the Port Community.

- Initiated a "gang" table where detectives focused on all crimes involving gang members and implemented an integrated problem-solving tactics.
- Established "Stop the Violence" Block public rallies, public street community fair events, at the site of murders and hate crimes to reach people who normally do not participate in police-sponsored events.
- Created Anti-Tagger Detail to gather gang intelligence and to reduce fear in the community.
- Initiated Harbor City and Wilmington Gang Injunction process to deter gang influence.

► **Community Mobilization**

- Initiated for Community-Police Advisory Board (C-PAB) work teams on youth, traffic, crime and quality of life issues; created the only Spanish-speaking C-PAB work team in the City.
- Instituted new website to communicate with the public.
- Introduced Community Action Network (CAN) brochures,
- Initiated "Storm the Bridge" fundraiser for the station youth programs to promote gang intervention.
- Selected as the 2001 Wilmington Community Parade Grand Marshall for the recognition in Spanish-speaking neighborhoods.
- Selected for the Peace Builder's Award, by Toberman Settlement House, Inc. in recognition for working with gangs and their family members to stop retaliatory shootings.
- Initiated the regular communication sessions for surviving family members of unsolved homicide victims.

► **Employee Training/Morale/Productivity**

- Established Vertical Staff meetings, personally communicating with officers and civilian employees at all levels.
- Established "Workplace Harmony Committee" to promote acceptance of differences in people.

- Implemented a "Command Thank You" note program to improve employee productivity.
- Established Local Chapter of 10851 Club to recognize officers for grand theft auto arrests and 12020 Club to recognize officers for gun arrests.

□ **Captain II (1998 – 2000)**

Commanding Officer of West Traffic Division (WTD)

Planned, developed, and implemented strategies for the effective internal management and continuous improvements in the following areas:

► **Community Safety**

- Established Bureau-wide Traffic Enforcement Task Force, with all four patrol divisions within the Bureau, to better serve the public and to increase traffic safety.

► **Community Mobilization**

- Developed the first C-PAB for a Traffic Division and sponsored a Bureau-wide traffic problem-solving summit.
- Increased bilingual positions from 15 in 1998, to 38 in 1999 to provide more services in the Spanish, Korean, Armenian and Japanese languages.

► **Personnel Training/Morale**

- Created Good Deed Lead, civilian and sworn employees' formal recognition by other employees for building good will within the community as a positive reinforcement tool to empower employees.
- Developed the "Audio Mentoring" tape program to capture retired employees' professional advice as a mentoring tool for supervisors and officers.
- Selected the Department's first female Motor Sergeant.
- Published a Divisional Newsletter for traffic officers.
- Removed Motors from the "Queue" to focus their efforts on proactive traffic enforcement strategies and to increase accountability.
- Implemented a structured employee orientation program.

- Established Area Traffic Coordinator Council to secure cooperation among patrol divisions.

► **Other Major Accomplishments**

- Systemized the process of accepting, investigating, and categorizing community traffic complaints and feedback procedures.
- Initiated an application for funding a computerized traffic data analysis system with the State of California Office of Traffic Safety.
- Planned and implemented a rapid expansion program to increase WTD staffing level.
- Increased Reserve Officer Corps from nine to thirty-six; conducted four weekly traffic task force operations each month (never done before), significantly increasing its effectiveness; initiated a newsletter for Reserves to increase recruitment and retention.

□ **Police Captain I (1997 - 1998)**

Commanding Officer of West Los Angeles Operations Support Division

Planned, developed, and implemented the activities of supervisors, officers, and civilians to better serve public needs.

- Successfully handled a series of major demonstrations associated with the O.J. Simpson trial, UCLA, and the Federal Building by developing a cadre of highly trained supervisors, officers, and civilians.

□ **Police Captain I (1996 - 1997)**

Commanding Officer of Pacific Detectives

- Completed the Department's Pilot Study of providing command focus on improving detective performance and service.

□ **Police Captain I (1996 - 1997)**

Commanding Officer of Pacific Patrol Division

- Implemented a computerized tracking system for projects and personnel complaint investigations.

- **Police Lieutenant II (1994 – 1996)**
Internal Affairs Division
 - ▶ Appointed as Officer-In-Charge (OIC) of Internal Surveillance Detail (ISD); planned and implemented a series of changes to expand the unit's mission to include special operations such as undercover and integrity sting; proposed and implemented changes to Special Operations Section (SOS) and incorporated more proactive missions to ensure police integrity.
 - ▶ Initiated and managed a significant police corruption case involving multi-agency effort: planned and implemented a series of surveillance and undercover strategies to identify, arrest, and convict involved police personnel and other government employees.

- **Police Lieutenant II (1993 – 1994)**
Adjutant to Bureau Commanding Officer
 - ▶ Reviewed use of force and disciplinary cases from six police divisions serving over 1 million residents.
 - ▶ Planned and implemented a uniform system for fact sheet investigations.

- **Police Lieutenant I (1991 – 1992)**
Officer in Charge (OIC) of General Investigations, Wilshire Detectives
 - ▶ Supervised divisional investigators
 - ▶ Planned and implemented a formation of the Korea Town Crime Investigations Unit (KCIU) to provide better investigative service to a bilingual community.
 - ▶ Initiated a major foreign exchange fraud case involving more than over 200 victims and a \$12 million loss; supervised a team of investigators who arrested and convicted the suspect of multiple felony counts.

- **Police Lieutenant I (1989 – 1991)**
Watch Commander, Wilshire and Van Nuys Patrol Divisions
- **Police Sergeant II (1987 – 1989)**
Newton Area Vice Supervisor

- **Police Sergeant I (1986 – 1987)**
Special Problems Unit Sergeant, Newton Area

- ▶ Proposed and implemented a biweekly buy/bust (narcotics undercover) operation which reduced narcotics activities at age-old chronic problem gang locations.
- ▶ Formulated a system to record quality of life problem locations and took concrete actions to reduce community members' and business owners' fear (before community policing was well known).
- ❑ **Police Sergeant I (1983 - 1986)**
Field Supervisor, Newton and Hollywood Patrol Divisions
 - ▶ Provided field supervision of uniformed patrol personnel.
- ❑ **Detective I (1981 - 1985)**
Narcotics Division
 - ▶ Initiated and completed the first Local Agency narcotics asset forfeiture case. Case was presented in CNOA magazine article after the appeals court upheld the conviction in the trial court.
 - ▶ Developed intelligence on major violators.
 - ▶ Initiated and completed significant "China White Heroin" cases.
- ❑ **Senior Lead Officer (SLO) - (1979 - 1981)**
Asian Task Force
 - ▶ Initiated and implemented a proposal to create a bilingual police store front operation at 8th Street and Irolo.
 - ▶ Team Leader for Investigators
 - ▶ Worked with IRS/CID, FBI and DEA on Asian gangs/organized crime cases.
- ❑ **Police Officer, Rampart Uniformed Patrol and Traffic (1978 - 1979)**
Recruit Officer, Police Academy (1977)
 - ▶ Recruit Class Drill Instructor (DI), No. 1 in academics, No. 2 in overall class standing
- ❑ **Police Officer, La Habra Police : Uniformed Patrol and Traffic (1976)**

EDUCATION

- ❑ University of La Verne
Doctorate in Public Administration 1997
- ❑ Pepperdine University
Masters in Public Administration 1979
B.S. with honors in Public Management 1975
- ❑ Training (partial list): FBI National Academy 172nd Session, West Point Leadership Program and Leadership-Southern California

MILITARY SERVICE

- ❑ Honorably Discharged as Captain, U.S. Marine Corps (1975)

AFFILIATIONS

- ❑ Former Chair, Justice for Murdered Children
- ❑ Former Board Member, C.O.R.O Leadership Foundation
- ❑ LAPD Command Officers Association, Los Angeles County Peace Officers Association, California Peace Officers Association, Municipal Motorcycle Officers Association, Police Executive Research Forum.
- ❑ Director at large, USMC 1st Marine Division Association.
- ❑ Former Director, William H. Parker Foundation (LAPD).
- ❑ Advanced and Management Police Officer Standard and Training (POST) certificate by State of California.
- ❑ Police Commission Language Policy Task Force, Charter member, represented the Department with American Civil Liberty Union (ACLU), Mexican American Legal and Defense Fund (MALDF), and Pacific Asian Legal Center.
- ❑ Charter President, Law Enforcement Association for Asian Pacific (LEAAP)
- ❑ Rotary International – Charter Secretary, Korea Town Chapter, Los Angeles

COMMUNITY PARTICIPATION

- ❑ California Community College Board of Governors – former member, appointed by the Governor with State Senate Confirmation; participated in statewide policy making with responsibilities affecting 107 community college campus locations and over one million students; State Chair for Vocational Education including police academies and Student Equity Committees.
- ❑ Los Angeles County Commission on Judicial Procedures – Member, working with appointed and elected leaders from the bench, County Public Defender, and District Attorney to formulate policy recommendations to improve efficiency.
- ❑ Korea Town Youth and Community Center – Former Member of the Board.
- ❑ News Columnist for TV-K 24, cable TV Network.
- ❑ Radio Commentator on public safety issues for 93.5 FM and Radio Korea.

AWARDS

- ❑ Over 300 medals, certificates, awards and commendations from the Governor, State Assembly members, U. S. Senators, Mayor of Los Angeles, Los Angeles City Council members, Los Angeles County Board of Supervisors, President of Republic of Korea, Seoul Metropolitan Government, Los Angeles County District Attorney, Board of Governors for California Community College System, Lions Club, Rotary Club, and most importantly, community members.

Dong Back Presidential Medal for public service, the highest public service medal from the President of Republic of Korea, for building multi ethnic cooperation in Los Angeles.

HOBBY

- ❑ Hiking
- ❑ Researching military history and strategy

PERSONAL PHILOSOPHY

- ❑ I am a strategic thinker who is committed to continuous learning.

PROOF OF SERVICE

STATE OF CALIFORNIA)

COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years of age, and am not a party to the within action; my business address is 9100 Wilshire Boulevard, Suite 345E, Beverly Hills, California 90212.

On the date hereinbelow specified, I served the foregoing document, described as set forth below on the interested parties in this action by placing the original and true copies thereof enclosed in sealed envelopes, at Beverly Hills, addressed as follows:

DATE OF SERVICE : October 17, 2011

DOCUMENT SERVED : **PLAINTIFF'S DESIGNATION
OF EXPERT WITNESSES**

PARTIES SERVED : **SEE ATTACHED SERVICE LIST.**

XXX (BY REGULAR MAIL) I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States mail at Beverly Hills, California. I am "readily familiar" with firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

XXX (BY ELECTRONIC MAIL) I caused such document to be electronically mailed to **Christopher Brizzolara, Esq.** at the following e-mail address: samoral@adelphia.net.

XXX (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

— (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

EXECUTED at Beverly Hills, California on October 17, 2011.


Selma Francia

SERVICE LIST

**WILLIAM TAYLOR v. CITY OF BURBANK
LOS ANGELES COUNTY SUPERIOR COURT CASE NO. BC 422 252**

Christopher Brizzolara, Esq.
1528 16th Street
Santa Monica, California 90404
(By Electronic Mail Only)

Ronald F. Frank, Esq.
Robert J. Tyson, Esq.
Burke Williams & Sorenson LLP
444 South Flower Street, Suite 2400
Los Angeles, California 90071-2953
(Original)

Dennis A. Barlow, City Attorney
Carol A. Humiston, Sr. Asst. City Atty.
Office of the City Attorney
City of Burbank
275 East Olive Avenue
Post Office Box 6459
Burbank, California 91510

Linda Miller Savitt, Esq.
Philip L. Reznik, Esq.
Ballard Rosenberg Golper & Savitt LLP
500 North Brand Boulevard, 20th Floor
Glendale, California 91203-9946

PROOF OF SERVICE

STATE OF CALIFORNIA)
)
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years of age, and am not a party to the within action; my business address is 9100 Wilshire Boulevard, Suite 345E, Beverly Hills, California 90212.

On the date hereinbelow specified, I served the foregoing document, described as set forth below on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes, at Beverly Hills, addressed as follows:

DATE OF SERVICE : June 11, 2012

DOCUMENT SERVED : **PLAINTIFF'S MOTION FOR EXPERT WITNESS COSTS; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT; DECLARATION OF GREGORY W. SMITH IN SUPPORT THEREOF**

PARTIES SERVED : **SEE ATTACHED SERVICE LIST.**

XXX (BY REGULAR MAIL) I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States mail at Beverly Hills, California. I am "readily familiar" with firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

XXX (BY ELECTRONIC MAIL) I caused such document to be electronically mailed to **Christopher Brizzolara, Esq.** at the following e-mail address: samorai@adelphia.net.

XXX (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

— (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

EXECUTED at Beverly Hills, California on June 11, 2012.

Selma I. Francia

SERVICE LIST

**WILLIAM TAYLOR v. CITY OF BURBANK
LOS ANGELES COUNTY SUPERIOR COURT CASE NO. BC 422 252**

Christopher Brizzolara, Esq.
1528 16th Street
Santa Monica, California 90404
(By Electronic Mail Only)

Ronald F. Frank, Esq.
Robert J. Tyson, Esq.
Burke Williams & Sorenson LLP
444 South Flower Street, Suite 2400
Los Angeles, California 90071-2953

Amelia Ann Albano, City Attorney
Carol A. Humiston, Sr. Asst. City Atty.
Office of the City Attorney
City of Burbank
275 East Olive Avenue
Post Office Box 6459
Burbank, California 91510

Linda Miller Savitt, Esq.
Philip L. Reznik, Esq.
Ballard Rosenberg Golper & Savitt LLP
500 North Brand Boulevard, 20th Floor
Glendale, California 91203-9946